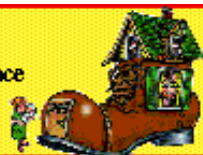


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Legal liability a barrier to safety on piers

By KIM STRODE / H-P Staff Writer

MUSKEGON -- One of the biggest barriers to improving safety at Lake Michigan piers is the issue of liability, officials say.

Municipalities often fear call boxes, life rings and throw ropes put them at risk of being sued. So they don't install them on piers.

For example, a city could be held responsible for a person's death if a life ring has been stolen from the pier, if a call box isn't operating correctly or if the throw rope gets tangled and doesn't make it to the victim.

"Those are the political issues that are out there that we have to deal with," one participant at the pier safety workshop in Muskegon said Friday. "If you do nothing, then there's no liability."

Vic Kotwicki, chief of the Army Corps of Engineers real estate division, deals with liability and jurisdiction issues.

"The Corps has no objections to cities placing safety devices on the piers," he said. "But we accept no responsibility."

The Corps is responsible for maintenance of navigational devices, or lighthouses. The local government, is responsible for the installation and maintenance of pier safety devices.

"The federal government has no liability for malfunction or mechanical problems of those devices," Kotwicki said.

He said local governments are somewhat protected under governmental immunity laws and must have insurance policies in place.

"Still, liability is the biggest issue the city, township and county will have to deal with," he said. "Liability is an issue, not a reason (not to safeguard the piers)."

Jurisdiction on piers is not always clear.

"The local law enforcement can act on a federal structure for health and safety



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reasons," Kotwicki said.

One Coast Guard officer said it's difficult to enforce health and safety measures on piers.

"When you can bark, but you can't bite," he said, "it's difficult to enforce any state or federal regulations that do apply."

Kotwicki recommended that the local government pass an ordinance to restrict certain activities on the pier.

He said that would give the police or Coast Guard the ability to enforce regulations because violations could be punished under the ordinance.

Of Michigan's 18 Lower Peninsula harbors with piers, 15 have ladders on the side of the piers, 13 have safety railings, four have life rings and two have call boxes.

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